

brownrudnick

SIGMUND S. WISSNER-GROSS
direct dial: 212.209.4930
fax: 212.938.2804
swissnergross@brownrudnick.com

July 8, 2022

VIA ECF

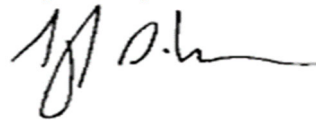
The Honorable Louis L. Stanton
United States District Court
Southern District of New York
500 Pearl Street, Room 21C
New York, NY 10007

RE: Majed Khalil v. Fox Corporation, et al., Case No. 1:21-cv-10248-LLS

Dear Judge Stanton:

We represent Plaintiff Majed Khalil in the above-referenced action. On July 6, 2022, the Hon. David B. Cohen of the New York Supreme Court, New York County, denied the Fox Defendants' motion for a stay pending "resolution of their appeals." *See* Decision and Order on Motion, *Smartmatic USA Corp., et al. v. Fox Corporation, et al.*, Index No. 151136/2021 (Sup. Ct. N.Y. Cnty. July 6, 2022) [NYSCEF Doc. No. 1052]. A copy of the ruling is annexed hereto as Exhibit A. In such motion, the Fox Defendants unsuccessfully advanced various media defense arguments that have been uniformly rejected by several courts in related cases, and now have been rejected twice by the New York Supreme Court in Smartmatic's New York Supreme Court action. *See* Smartmatic's Mem. of Law in Opp'n to the Fox Def.'s Motion to Stay Proceedings & Discovery, at 1 [NYSCEF Doc. No. 999] ("This Court rejected Fox's arguments in an extensive and well-reasoned opinion. In doing so, the Court reached the same conclusions as the courts in Delaware and the District of Columbia, which likewise rejected the same arguments by Fox and others on motions to dismiss defamation claims about the 2020 U.S. election.").¹ Plaintiff respectfully submits that Judge Cohen's July 6, 2022 denial of the Fox Defendants' motion for a stay provides yet further support for denial of Defendants' motion to dismiss in this action.

Respectfully submitted,



Sigmund S. Wissner-Gross

Encl.

cc: All Counsel (via ECF)

¹ *See also id.* at 5-6, 9-10 (reviewing rulings in related actions filed by Dominion pending in Delaware state court and the District of Columbia, all rejecting the arguments advanced by the Fox Defendants in Smartmatic's action).